

Karen Read case goes before Supreme Judicial Court as defense seeks to have two charges dismissed

By [Sean Cotter](#) and [Travis Andersen](#) Globe Staff, Updated November 6, 2024, 4:21 p.m.



Karen Read left the courtroom with her parents William and Janet after the Supreme Judicial Court heard the appeal to have two of the charges against her dismissed. GREG DERR/POOL

Justices on the state's top court grilled both the prosecution and the defense in [the Karen Read case](#) on Wednesday, asking pointed questions to Read's attorneys in particular about [their argument that](#) a jury could have acquitted her of murder without finalizing a verdict.

"The deliberations weren't finished — they weren't finalized," Supreme Judicial Court Justice Serge Georges Jr. said to Read's appellate attorney, Martin G. Weinberg. "There's still opportunity for folks to change their positions."

The SJC's full panel of seven justices heard Read's appeal that sought to have the charges of murder and leaving the scene of a crash thrown out on double jeopardy grounds ahead of a planned retrial. It could take months before they issue a ruling on the case, which is typical for any appeal. And as they often do, the justices frequently interrupted both sides with probing questions over the hourlong oral arguments. Read and her family, as well as the family of John O'Keefe, her boyfriend who she's accused of killing, attended the hearing in Boston, sitting on opposite sides of the large courtroom.

Read, 44, of Mansfield, was accused of second-degree murder and lesser charges including manslaughter for allegedly hitting O'Keefe, a Boston police officer, with her car outside the Canton home of another police officer after a night of heavy drinking. Read argues that she is being scapegoated in a police coverup, and that O'Keefe was beaten and left outside to die in the cold by people inside the Canton home.

The months-long high-profile trial ended in a hung jury in July, leading the judge to declare a mistrial. But in the weeks that followed, [multiple jurors](#) contacted the prosecution and defense to say that though they had sent three notes to the judge saying they were at an impasse, the jurors actually had all agreed to acquit Read on the charges of murder and leaving the scene of an accident. They only remained split on manslaughter, though that determination was never conveyed to the judge.

In multiple written motions, Read's attorneys [asked the state's highest court](#) to throw out the two charges on [double jeopardy grounds](#), or on the principle that Read should

not be charged twice for the same crime. They initially asked the judge to dismiss the charges based on the jurors' statements after the trial.

But on Wednesday, Weinberg spent his time arguing for a less sweeping alternative: that the judge who declared the mistrial should be ordered to call the jurors back in and, behind closed doors, ask them if they, as a group, came to a verdict on any charges.

“The values at stake here are too important,” Weinberg said. “The prior jury reached a unanimous decision to acquit Ms. Read.”

He acknowledged that judges are not supposed to inquire into a jury's deliberations, but he said questions about results — such as simply asking, “did you reach a verdict” — would not violate that rule.



Attorney Martin Weinberg appeared before the Supreme Judicial Court as the Karen Read defense team argued to have two of the charges against her thrown out. GREG DERR/POOL

A prosecutor from Norfolk District Attorney Michael Morrissey's office argued that jurors simply didn't reach a final verdict, no matter whether they preliminarily agreed on some matters.

“Jurors are free to change their mind and change their vote” until they deliver a final verdict on an official verdict slip, Assistant District Attorney Caleb Schillinger told the justices. Any information about an informal agreement in the jury room, he said, is just a “snapshot” of a jury's deliberations.

The arguments before the high court also centered on Judge Beverly Cannone's decision to promptly declare a mistrial after three notes from the jury about an impasse, in a trial that ran from April into July. After the final note, Cannone did not ask lawyers for any arguments or objections before dismissing the jury and ending the trial.

Georges, one of the justices, said that after the third note came back reporting an impasse, "There isn't any lawyer that's worth their salt that wouldn't think there might be a mistrial." In that case, he said, the defense should have been in position to object if they wished at that time.

However, Georges also noted that Morrissey's office did not seek any recourse to avert a mistrial, either, even though the office "spent a lot of time, energy and money, anxiety and angst on this trial — why wouldn't we talk about what potentially we could do, short of saying 'mistrial, let's start again?'"

Justice Frank Gaziano suggested Cannone might have been "hasty" in declaring the mistrial so quickly, though he also leveled sharp questions about how there could be an acquittal with no verdict delivered in open court.

Weinberg suggested there was "ambiguity" in the notes that the jury sent, that when they referenced being at an impasse on "the charges," they could have just been citing the lesser included charges. That should have led Cannone or the prosecution to seek to inquire further about what charges they meant, Weinberg said.

Several justices pushed back on that argument, citing the note's definitive tone.

"There's no inkling in that that they've reached verdicts on charges or that this only relates to the second charge," Justice Scott Kafker said.

The case, with its dueling narratives and allegations of police corruption, has drawn national attention. For months, pink-clad supporters of Read turned out in droves at

court hearings. And more than a dozen made the trek to downtown Boston to demonstrate outside of the John Adams Courthouse where the SJC sits.

As they did near the courthouse in Dedham where the trial took place, they waved “Free Karen Read” signs.

Kerry Vecchi of Woburn waved a sign saying, “Don’t look the other way,” pointing to other cases involving allegations of police wrongdoing.

“It’s the corruption,” she said. “It never ends.”

Norfolk District Attorney Michael Morrissey’s office, which has been involved in the allegations of police scandals, has vowed to retry Read on all three counts. A second trial is scheduled for January, though both sides [are seeking to postpone it until April](#).

Sean Cotter can be reached at sean.cotter@globe.com. Follow him [@cotterreporter](#). Travis Andersen can be reached at travis.andersen@globe.com.

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